

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERYL LYNN BRADFORD-ALLEN,

Plaintiff,

vs.

Case No. 11-CV-13596
HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____/

ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [DOC. 21] AND GIVING
PLAINTIFF ADDITIONAL TIME TO RETAIN COUNSEL AS DESCRIBED

This matter is before the court on defendant's unopposed motion for summary judgment as to plaintiff Cheryl Lynn Bradford-Allen's action for judicial review of the denial of her Title II application for a period of disability and disability insurance benefits. Magistrate Judge Majzoub issued a report and recommendation on August 6, 2012 recommending that defendant's motion for summary judgment be granted, and the final decision of the Commissioner be affirmed.

The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed by plaintiff within the established time period, although plaintiff did submit a letter in which she asked for time to retain counsel. The record reflects that plaintiff's counsel withdrew from representing plaintiff on February 23, 2012. Plaintiff's motion for summary judgment, which had been due November 21, 2011, was given a new due date of March 30, 2012, in order to

give plaintiff time to retain new counsel. Plaintiff did not retain new counsel, and did not file a motion for summary judgment. The record is replete with extensions of deadlines sought by plaintiff and her complaints seeking more time to prosecute her claim.

For the reasons well-stated by Magistrate Judge Majzoub, this court accepts the report and recommendation as follows. The Commissioner's motion for summary judgment seeking affirmance of the Commissioner's final decision concluding that plaintiff was not under a disability from January 1, 1999 through September 30, 1999, is granted. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE at this time. Plaintiff has 60 days from the date of this order to obtain counsel who may seek, within the same 60 day period, to have this case reopened for the purpose of reconsidering the grant of the Commissioner's motion for summary judgment. At the end of the 60 days, unless the court rules otherwise, this order becomes a dismissal with prejudice. Accordingly,

IT IS HEREBY ORDERED that the magistrate's report and recommendation is accepted.

IT IS FURTHER ORDERED that the Commissioner's motion for summary judgment is GRANTED.

IT IS FURTHER ORDERED that plaintiff's complaint is DISMISSED WITHOUT PREJUDICE for a period of 60 days, within which time plaintiff may retain counsel who in turn may file a motion seeking to have the case reopened for further consideration.

Dated: September 27, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on plaintiff Cheryl Lynn Bradford at 476 Angle Road, Lapeer, MI 48446-7502 on September 27, 2012, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk